IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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CIVIL WRIT No. 1201 of 2007

BHANWAR LAL DUDY
V/S
J.N.V.UNIVERSITY & ANR.

Mr. AVINASH ACHARYA, for the appellant / petitioner

Ms. KUSUM RAO, for the respondent

Date of Order : 3.4.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

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Heard learned counsel for the parties.

It is contended by learned counsel for the petitioner that in view of Annex.4, since the petitioner is a failed student of Law Supplementary Examination of 2006, he is entitled to be awarded grace marks to the extent of 4, and if that are awarded, the petitioner passes the Supplementary Examination, and is entitled to appear in Final Year Examination.

Learned counsel for the University, on the other hand, contends firstly that Annex.4 applies only to the candidates, who had failed in Supplementary Examinations of 2006, while the petitioner's case is of Supplementary Examination of 2005, though it was held in 2006. The other submission made is that vide Annex.4 only the recommendations made by the Committee being Annex.R/1 were approved, and a look at Annex.R/1 shows that the typical

problem was referred to the Committee, inasmuch as, number of papers had been increased from 18 to 27, and students had to appear in 10 more papers than a graduate student of Arts, Science and Commerce, and the earlier existing practice of grant of grace marks to the extent of 4 had been reduced to 2 only. Then the Committee examined the grievance of LLB II year students (Paper II – I.P.C.), and noticed that the examiner examined the copies of one lot of paper of main as well as of Supplementary Examination, and in the evaluation of answerbooks, some hardship has been caused to the students of LLB II year in Paper II, and therefore, the Committee recommended the award of grace marks to the extent of 4, and directed that the answerbooks of Supplementary Examination shall be re-examined by the third neutral external examiner, or two chances in Supplementary Examination shall be given alongwith admission to the higher classes.

I have considered the submission, and find that a look at Annex.4 shows that it recites that there is no provision for award of grace marks, and on the matter of failed students of Supplementary Law Examination 2006 having been referred to the Committee, the Committee recommended the award of 2+2 grace marks to the failed students of Supplementary Examination 2006, and looking to the urgency exercising powers under Section 12(5) of the Jai Narain Vyas University Act, Vice Chancellor approved the recommendations of the committee, and ordered giving of

grace marks and marks of Result Committee 2+2 to the failed students of Law Supplementary Examinations of 2006. In that view of the matter, Annex.4 is required to read with Annex.R/1, which clearly speaks of the category of students qua whom the recommendations were made. This is one aspect of the matter.

The other aspect of the matter is that in any case even if the Annex.4 is looked into, by itself, even then it applies only to the case of the candidates, who are failed students of Law Supplementary Examination of 2006, while admittedly the petitioner is a failed student of Supplementary Examination of Law 2005, though it was held in 2006. Obviously, since the petitioner had appeared in the First Year in 2005, and was given supplementary with liberty to appear in the paper alongwith the next year's examination, obviously, the examination shall be held in 2006, but the examination shall remain an examination of 2005 in which he was awarded supplementary. Therefore, the petitioner is not entitled to any benefit from Annex.4 either.

Considering the case from any standpoint, I do not find any sufficient ground to interfere in favour of the petitioner. The writ petition is, therefore, dismissed summarily.

( N P GUPTA ),J.

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